



**THE CITY OF NEW YORK  
LAW DEPARTMENT**

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November 23, 2010

**BY ECF**

The Honorable Ramon E. Reyes  
United States Magistrate Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: Marco Molina v. City of New York, et al.  
10 CV 04922 (SLT)(RER)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney assigned to represent defendant City of New York ("City") in this matter. I write to respectfully request an enlargement of time from November 24, 2010, until January 24, 2011, for the City to answer or otherwise respond to the complaint. We apologize to the Court that this request is past due. Plaintiff's counsel consents to this application.

I note for the Court's information that, according to the civil docket sheet, there was a summons issued for one of the individually named defendant in this action, Police Officer Flavio L. Adames, on October 26, 2010, but the docket does not reflect whether service has been effected on Police Officer Adames. A decision concerning this Office's representation of the individual defendant has not yet been made and, accordingly, this request for an extension of time is not made on Police Officer Flavio L. Adame's behalf. However, given the time involved in determining the representation of police officers, and in the interest of judicial economy, we would hope that the court may, *sua sponte*, extend the time to answer on behalf of all defendants.

In the complaint, plaintiffs allege, *inter alia*, that on February 28, 2008, he was falsely arrested by NYPD officers. Plaintiff further alleges that he was prosecuted by the Kings County District Attorney's Office and his case was dismissed after two years.

There are several reasons for seeking an enlargement of time. First, in accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need this additional time to investigate the allegations of the complaint. The complaint alleges that the Plaintiff's criminal case was dismissed. This office will be forwarding to plaintiff for execution a consent to the designation of the Corporation Counsel as plaintiff's agent for release of records sealed pursuant to New York Criminal Procedure Law §160.50. Pursuant to that statute, all official records concerning plaintiff's arrest and/or prosecution, including police records, are sealed. This office cannot obtain the records without the designation and release, and without the records, we cannot properly assess this case or respond to the complaint.

No previous request for an extension has been made by either party. Accordingly, we respectfully request that defendant City's time to answer or otherwise respond to the complaint be extended from November 24, 2010 until January 24, 2011.

Thank you for your consideration of this request.

Respectfully submitted,

/s/

Kimberly M. Savino  
Assistant Corporation Counsel

cc: Christopher D. Wright, Esq. (by ECF)